

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BRACK COLLINS, CHARLES DAVIDSON,
and HENRY HOOVER, on Behalf of
Themselves and All Others Similarly Situated,

Plaintiffs,

V.

ROBERT J. MANNING, ROBERT C. POZEN,
JEFFREY L. SHAMES, JOHN W. BALLE,
KEVIN R. PARKE, LAWRENCE H. COHN,
M.D., WILLIAM R. GUTOW, J. ATWOOD
IVES, ABBY M. O'NEILL, LAWRENCE T.
PERERA, WILLIAM J. POORVU, J. DALE
SHERRATT, ELAINE R. SMITH, WARD
SMITH, DAVID H. GUNNING, AMY B.
JANE, MASSACHUSETTS FINANCIAL
SERVICES COMPANY, MFS INVESTMENT
MANAGEMENT, INC., and JOHN DOES NO.
1 through 100,

Defendants.

JURY TRIAL DEMANDED

[illegible]

Case No. 05-10059-NG

NOTICE OF DISMISSAL WITH PREJUDICE

Pursuant to Fed. R. Civ. 41(a), plaintiffs Brack Collins, Charles Davidson, and Henry Hoover hereby dismiss this action, which has not been certified as a class action, with prejudice, with each party to bear its own costs and attorney's fees, and waiving all rights of appeal. Plaintiffs' Counsel no longer seeks to represent the putative class as defined in Plaintiffs' Complaint filed in this matter.

Dated: June 6, 2005.

RESPECTFULLY SUBMITTED,

/s/ David Pastor

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